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Attorneys for Respondents

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JOSE JESUS GUTIERREZ VASQUEZ,)
)
 Petitioner,)
)
 v.)
)
 MICHAEL CHERTOFF, Secretary of)
 Homeland Security; JULIE L. MEYERS,)
 Assistant Secretary for Immigration and)
 Customs Enforcement; ALBERTO)
 GONZALES, Attorney General; UNITED)
 STATES IMMIGRATION AND)
 CUSTOMS ENFORCEMENT; UNITED)
 STATES DEPARTMENT OF)
 HOMELAND SECURITY,)
)
 Respondents.)

No. C-06-6664-PJH

**STIPULATION TO A SECOND
 EXTENSION OF DEADLINE FOR FILING
 A RESPONSE TO THE COURT'S ORDER
 TO SHOW CAUSE**

The petitioner, by and through his attorneys of record, and respondents, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to a second extension of time within which the respondents may file a response to the Order to Show Cause (OSC) issued by this Court on April 24, 2007.

(1) The petitioner filed a petition for writ of habeas corpus with this Court on October 26, 2006, alleging that he received ineffective assistance of counsel in connection with the filing and

STIPULATION TO A SECOND EXTENSION OF DEADLINE FOR FILING RESPONSE TO OSC

1 prosecution of a petition for review in the United States Court of Appeals for the Ninth Circuit. *See*
2 *Gutierrez-Vasquez v. Gonzales*, Appeal No. 04-73084.

3 (2) This Court issued an OSC on April 24, 2007, directing the government to file a brief within
4 30 days addressing whether this Court has jurisdiction over the habeas petition in light of the REAL
5 ID Act of 2005.

6 (3) The parties have been exploring a means of resolving this habeas petition, as well as the
7 petition for review that is pending at the Ninth Circuit.

8 (4) On May 3, 2007, the government filed an unopposed motion with the Ninth Circuit to
9 suspend the briefing schedule in that case until at least July 9, 2007.

10 (5) On May 9, 2007, this Court granted the parties stipulation to extend the deadline for
11 responding to this Court's OSC to August 10, 2007.

12 (6) On May 17, 2007, the Ninth Circuit vacated the briefing schedule and has asked counsel for
13 the government to report on the status of the case on or before October 9, 2007.

14 (7) While the parties explore the possibility of resolving these cases, including the filing of a
15 joint motion to reopen with the Board of Immigration Appeals, the parties believe that an extension
16 of the deadline for filing a brief in response to this Court's OSC is warranted as a means of
17 conserving the resources of the parties and this Court.

18 (8) It is anticipated that the parties will know within a few months whether this case may be
19 resolved without further action by this Court.

20 Accordingly, the parties respectfully ask this Court to extend the deadline for the government to
21 file its brief in response to the Court's OSC to November 9, 2007.

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STIPULATION TO A SECOND EXTENSION OF DEADLINE FOR FILING RESPONSE TO
OSC

1 Date: August 10, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
United States Attorney

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4 _____/s/_____
EDWARD A. OLSEN
5 Assistant United States Attorney
6 Attorneys for Respondents

7
8 Date: August 10, 2007

_____ /s/_____
9 JENNIFER C. CHANG
AMERICAN CIVIL LIBERTIES UNION
10 FOUNDATION IMMIGRANTS' RIGHTS PROJECT
Attorneys for Petitioner

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12
13 **ORDER**

14 Pursuant to stipulation, IT IS SO ORDERED.

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16 Date: August 15, 2007

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PHYLLIS J. HAMILTON
United States Attorney



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STIPULATION TO A SECOND EXTENSION OF DEADLINE FOR FILING RESPONSE TO
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